

Message Text

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ORIGIN L-03

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/081 R

DRAFTED BY L/EA:EGVERVILLE:MAD

APPROVED BY L/EA:EGVERVILLE

L - MR. ALDRICH (DRAFT)

EA/VN - MR. BARTLEY

EA/PHIL - MR. HULEN

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R 191923Z AUG 74

FM SECSTATE WASHDC

TO AMEMBASSY MANILA

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E.O. 11652: GDS

TAGS: PBFOR, ACOM, UN, US

SUBJECT: US POSITION ON LEGAL DISTINCTION BETWEEN HANOI
AND PRG

REF: MANILA 9566 OF 8/12/74

1. DEPARTMENT UNABLE TO LOCATE ANY DOCUMENT OUTLINING US
POSITION ON DIFFERENCES BETWEEN LEGAL STATUS OF NORTH
VIETNAM AND PRG. WITH RESPECT TO OUR LATEST ARTICULATION
OF POSITION CONCERNING LEGAL STATUS OF PRG, WE ARE
REPEATING GENEVA 1376 CONTAINING TEXT OF STATEMENT MADE BY
GEORGE ALDRICH TO LAWS OF WAR CONFERENCE ON 2/28/74 DURING
DEBATE PRECEDING VOTE ON QUESTION OF INVITATION TO PRG.

2. WE ARE NOT, HOWEVER, ABLE TO LOCATE ANY STATEMENT BY
USG IN RECENT YEARS REGARDING LEGAL STATUS OF NORTH VIET-
NAM. SUGGEST, THEREFORE, THAT OUR POSITION BE CONVEYED
AS FOLLOWS:

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THE USG DOES NOT HAVE DIPLOMATIC RELATIONS WITH OR RECOGNIZE THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF VIETNAM AND DOES NOT RECOGNIZE A SEPARATE STATE OF NORTH VIETNAM. AT THE SAME TIME, THE USG IS AWARE THAT 64 OTHER GOVERNMENTS NOW HAVE DIPLOMATIC RELATIONS WITH THE DRV AND THAT THE DRV HAS PARTICIPATED IN A NUMBER OF IMPORTANT INTERNATIONAL CONFERENCES. THE US HAS NOT RAISED LEGAL OBJECTION TO SUCH PARTICIPATION. THE DRV ALSO APPEARS TO HAVE FIRM CONTROL OVER THE TERRITORY AND POPULATION OF THE TERRITORY OF VIETNAM NORTH OF THE PROVISIONAL MILITARY DEMARCATION LINE.

THE SO-CALLED PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF VIETNAM (PRG), ON THE OTHER HAND, HAS NO LEGAL BASIS WHATSOEVER FOR CLAIMING TO BE A LEGITIMATE GOVERNMENT. AS STATED MORE FULLY IN THE ALDRICH PRESENTATION REFERRED TO IN PARA 1 ABOVE, IT NEITHER CLAIMS TO BE THE GOVERNMENT OF A STATE NOR DOES IT HAVE ANY OF THE INHERENT ATTRIBUTES OF A TRUE GOVERNMENT SUCH AS INSTITUTIONS, A CAPITAL, A BODY OF LAW OR JURISPRUDENCE, OR PERSONALITIES AND DOMESTIC PROGRAMS WITH WHICH THOSE IT CLAIMS TO GOVERN COULD FREELY ASSOCIATE. FOR THESE AND THE OTHER REASONS SPELLED OUT IN THE ALDRICH PRESENTATION, THE USG HAS ACTIVELY SOUGHT ON LEGAL GROUNDS TO OPPOSE THE PARTICIPATION OF THE PRG IN INTERNATIONAL CONFERENCES AND FORA. KISSINGER

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